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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

9 IN RE BARD IVC FILTERS PRODUCTS
10 LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

11 SECOND AMENDED MASTER
12 SHORT FORM COMPLAINT FOR
13 DAMAGES FOR INDIVIDUAL
14 CLAIMS AND DEMAND FOR JURY
15 TRIAL

16 Plaintiff(s) named below, for their Complaint against Defendants named below,
17 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).
18 Plaintiff(s) further show the Court as follows:

19 1. Plaintiff/~~Deceased Party~~:

20 _____
21 Florence J. Dulski

22 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
23 consortium claim:
24 _____

25 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
26 conservator):
27 _____

28 4. Plaintiff's/~~Deceased Party's~~ state(s) [if more than one Plaintiff] of residence
at the time of implant:
29 _____
30 New York

5. Plaintiff's ~~Deceased Party~~ male(s) [if more than one Plaintiff] of residence
at the time of injury:

3 New York

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 New York

6 7. District Court and Division in which venue would be proper absent direct
7 filing:

U.S. District Court-Western District of New York-Buffalo Division

8. Defendants (check Defendants against whom Complaint is made):

© C. R. Bard Inc.

Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

为 Diversity of Citizenship

Other:

20 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
21 a claim (Check applicable Inferior Vena Cava Filter(s));

□ Recovery® Vena Cava Filter

✓ G2® Vena Cava Filter

G2® Express Vena Cava Filter

G2® X Vena Cava Filter

Eclipse® Vena Cava Filter

□ Meridian® Vena Cava Filter

- #### Denali® Vena Cava Filter

- Other: _____

11. Date of Implantation as to each product:

January 27, 2011

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Manufacturing Defect
 - Count II: Strict Products Liability – Information Defect (Failure to Warn)
 - Count III: Strict Products Liability – Design Defect
 - Count IV: Negligence - Design
 - Count V: Negligence - Manufacture
 - Count VI: Negligence – Failure to Recall/Retrofit
 - Count VII: Negligence – Failure to Warn
 - Count VIII: Negligent Misrepresentation
 - Count IX: Negligence *Per Se*
 - Count X: Breach of Express Warranty
 - Count XI: Breach of Implied Warranty
 - Count XII: Fraudulent Misrepresentation
 - Count XIII: Fraudulent Concealment
 - Count XIV: Violations of Applicable New York (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
 - Count XV: Loss of Consortium
 - Count XVI: Wrongful Death
 - Count XVII: Survival
 - Punitive Damages

13. Jury Trial demanded for all issues so triable?

Yes

□ No

RESPECTFULLY SUBMITTED this 25th day of September, 2018.

CELLINO & BARNES, P.C.

By: /s/ Brian A. Goldstein
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I hereby certify that on this 25th day of September, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Brian A. Goldstein